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Crl.O.P.No.20242 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.20242 of 2026

Rizwan Utag

... Petitioner(s)

Vs.

The State rep. by
The Inspector of Police,
Sulur Police Station,
Coimbatore.
Crime No.760 of 2024

... Respondent(s)

PRAYER : Criminal Original Petition filed under Section 483 of BNSS, 2023, to enlarge the petitioner on bail concerned in CC No.61 of 2025 on the file of the learned Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act Cases, Coimbatore

For Petitioner(s) : Mr.R.Vivekananthan

For Respondent(s) : Mr.S.Yogaraja Sekar,
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.10.2024 for the alleged offences under Sections 8(c) r/w 20(b)(ii)(C) and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, in Crime No.760 of 2024 on the file of the respondent police, seeks bail.



2. It is the case of the prosecution that the petitioner along with the other accused was involved in possession of contraband, totally weighing 22 kilograms. According to the prosecution, the entire quantity of 22 kilograms was recovered from the first accused and there is no recovery from the second and third accused. Hence, the case.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and has been falsely implicated in this case. He would further submit that the petitioner has been in custody since 13.10.2024 and is ready to abide by any stringent conditions that may be imposed by this Court. It is his specific submission that there is no recovery from the petitioner herein and that the entire recovery of 22 kilograms was made only from the first accused. He would further submit that the co-accused has already been enlarged on bail vide order dated 06.07.2026 passed by this Court in Crl.O.P.No.10376 of 2026, which factum was not disputed by the learned Government Advocate (Crl. Side). Hence, he prayed for the grant of bail on the ground of parity.

4. The learned Government Advocate (Crl. Side) appearing for the respondent, while opposing the grant of bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the total quantity of



contraband involved in the case is 22 kilograms and, therefore, the rigour under Section 37 of the NDPS Act would be attracted. However, he fairly submitted that the entire recovery is from the first accused and that there is no recovery from the second and third accused, including the petitioner herein.

5. I have given my anxious consideration to the submissions made by the learned counsel on either side.

6. This Court, vide order dated 06.07.2026 passed in Crl.O.P.No.10376 of 2026, in paragraphs 8 to 10, has observed as follows:-

“8.It is undisputed that the petitioner was remanded to judicial custody on 14.10.2024. This case involves the recovery of a commercial quantity (22 kg of Ganja). Admittedly, there was no recovery made from the petitioner, as the entire recovery was from A1. It is also undisputed that P.W.1 was examined in October 2025, and no other witnesses have been examined since then. At this juncture, it is relevant to point out the statement made by P.W.1. While looking into the P.W.1’s statement, it reveals that the petitioner has been implicated in this case solely based on the confession statement.

9. At this juncture, the learned counsel for the petitioner submitted a copy of the memo of evidence. A perusal of the memo of evidence reveals that no witnesses have been cited to prove call details and also there are no witnesses cited to speak about money trial and also no documents referred to substantiate such aspect. Therefore, considering that there was no recovery from the petitioner and that the petitioner has



been implicated solely based on a confession statement, this Court is of the firm view that the petitioner has overcome the rigor under Section 37 of the NDPS Act as per the ratio laid down by the Hon'ble Supreme Court in Tofan Singh Vs. State of Tamil Nadu reported in 2021 (4) SCC 1.

10. Further, the petitioner has been incarcerated since 14.10.2024. During this tenure, only one witness was examined in the Month of October 2025 and no other witnesses have been examined since then. In view of these circumstances, this is a fit case to enlarge the petitioner on bail as there are reasonable case to overcome the rigour under Section 37 of NDPS Act. Hence, this Court is inclined to grant bail to the petitioner with certain conditions.”

7. Though the learned Government Advocate (Crl. Side) opposed the present application by contending that, in view of the total quantity of 22 kilograms, the rigour under Section 37 of the NDPS Act would be attracted, he is not in a position to differentiate the role attributed to the petitioner herein from that of the co-accused who has already been enlarged on bail by this Court. Admittedly, the entire recovery of 22 kilograms is from the first accused and there is no recovery from the petitioner herein. Therefore, this Court is inclined to extend the benefit of parity to the petitioner.

8. Hence, considering the totality of the circumstances, the period of incarceration undergone by the petitioner, the fact that there is no recovery from



the petitioner herein, the fact that the entire recovery is from the first accused, and also the fact that the co-accused has already been enlarged on bail by this Court, this Court is inclined to enlarge the petitioner on bail, subject to certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge/ Presiding Officer, Special Court for Essential Commodities Act Cases/ NDPS Act Cases, Coimbatore and subject to the following conditions:

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation;

[c] the petitioner shall not abscond either during investigation or trial;

[d] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[e] on breach of any of the aforementioned conditions,



the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions had been imposed and the petitioner released on bail by the learned Magistrate/Trial Court itself, as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]***;

[f] if the petitioner thereafter abscond, a fresh FIR may be registered under Section 269 of the Bharatiya Nyaya Sanhita, 2023.

07.08.2026

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Note:

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.



To

1. The learned Additional District Judge/ Presiding Officer,
Special Court for Essential Commodities Act Cases/ NDPS Act Cases, Coimbatore
2. The Superintendent, Central Prison, Coimbatore
3. The Inspector of Police, Sulur Police Station, Coimbatore.
4. The Public Prosecutor, High Court of Madras



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C.KUMARAPPAN,J.

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